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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,631	01/14/2004	Stuart A. Green	286674.129US (HH/MV/P1028)	5781
23483	7590	03/07/2008	EXAMINER	
WILMERHALE/BOSTON 60 STATE STREET BOSTON, MA 02109			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2621	
			NOTIFICATION DATE	DELIVERY MODE
			03/07/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/757,631

Applicant(s)

GREEN, STUART A.

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6, 9-16, 18, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6, 9-16, 18, and 22-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 12/13/2007, have been entered and made of record. Claims 1, 5, 7-8, 17, and 19-21 are cancelled, and claims 2-4, 6, 9-16, 18, and 22-23 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 2-4, 6, 9-16, 18, and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 2-4, 6, 9-16, 18, and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (US Pat. No. 6,266,483).

Regarding claim 22, an automated system for testing navigational paths through digital content comprising a first video sequence having associated identification data (see fig. 6), the system comprising:

means for extracting the identification data from the video sequence and for accessing, using the identification data, an abstraction, said abstraction being associated with a raw content object from which the first video sequence was derived (see fig. 9A, 17 and col. 10 lines 17-25 and col. 8 lines 24-31); and

a correlator to determine whether there is a correlation between the accessed abstraction and an anticipated abstraction of a test plan comprising a plurality of abstractions associated with

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respective raw content objects during authoring of the digital content (see col. 14 lines 18-34, line 55-62 and col. 18 lines 22-34 and fig. 17).

Claims 18 and 23 are rejected for the same reasons as discussed in claim 22 above.

Regarding claim 2, Okada discloses the controller for processing data representing the first video sequence comprises a presentation engine (see claim 9).

Regarding claim 3, Okada discloses the first video sequence comprises a user data field in which the unique identification data is stored (see col. 8 lines 4-24).

Regarding claim 4, Okada discloses a navigation controller for controlling access to the first video sequence in response to associated navigation data (see col. 8 lines 4-24, col. 15 lines 38-49).

Regarding claim 6, Okada discloses a register modifier for writing the navigation data to at least one predetermined register accessible by the navigation controller to influence the operation of the navigation controller (see col. 16 line 22-col. 19 line 13).

Regarding claim 9, Okada discloses the step of outputting comprises the step of creating a record of the comparison; the record providing an indication of whether or not the retrieved high-level abstraction matched the anticipated high-level abstraction (see col. 14 lines 18-34, 55-62 and col. 18 lines 22-34).

Regarding claim 10, Okada discloses extracting the identification data from a user field of an encoded elementary video stream (see col. 14 lines 5-10 and line 63-col. 15 line 4).

Regarding claim 11, Okada discloses identifying a current menu associated with the data stream (see figures 6 and 8).

Regarding claim 12, Okada discloses the step of identifying menu option data, representing at least one option, associated with the current menu and invoking at the at least one option to select and process a next video sequence (see fig. 8).

Regarding claim 13, Okada discloses creating the test plan (see col. 6 line 64-col. 7 line 7, col. 10 lines 17-25).

Regarding claim 14, Okada discloses creating the test plan comprises creating at least one of an anticipated unique identifier, an abstraction anticipated as being associated with a unique identifier, an actual abstraction associated with the unique identifier, entry conditions or status information and command information (see col. 10 lines 16-23).

Regarding claim 15, Okada discloses creating the test plan comprises associating the identification data of the data stream with an anticipated abstraction representing audiovisual content of the data stream (see col. 7 lines 13-23, col. 10 lines 17-25).

Regarding claim 16, Okada discloses the step of creating an index comprising an identification data entry for storing a copy of the identification data, and at least a reference to a corresponding abstraction; and accessing the index using the identification data as a key to identify the corresponding abstraction (see figures 9A-9B, 10, 12 and col. 15 lines 18-37).

Conclusion

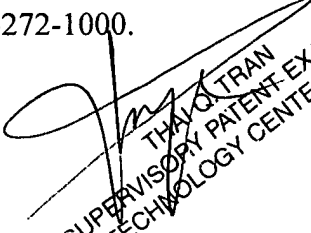
4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
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